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The Reg Bestie

Vol. 48 No. 1

THE UNIVERSITY OF MICHIGAN LAW SCHOOL

September 5, 1997



Fall Starters and Dean Lehman enjoy an outdoor picnic buffet prior to Rob Precht's inspiring speech at Orientation last week.

BLOWING SMOKE:

Massachusetts Official Speaks About Landmark Tobacco Settlement

BY SANJEEV DATE
RG CONTRIBUTING EDITOR

In July of 1997, I interviewed one of the lead negotiators for the states in their landmark lawsuit and settlement with the tobacco industry. Tom Green is the First Assistant Attorney General for the Commonwealth of Massachusetts, and second in command only to Attorney General Scott Harshbarger.

Massachusetts was a key state in the 42 state battle against the tobacco industry, and Mr. Green had a key role in the settlement. What follows is an excerpt from the interview, which addresses such topics as the public health cost due to to-

bacco, the development of the settlement, and the limitations on advertising.

Q: Most people are familiar with the harm cigarettes cause. Can you elaborate on the health care costs spent by Massachusetts and the nation on tobacco-related illnesses?

TG: Most estimates by the CDC indicate that approximately 420,000 American people die per year of tobacco related illnesses, about ten thousand of those in Massachusetts. The largest budget item in many states is the Medicaid budget, which in Massachusetts is close to 3.8 billion dollars, about 250 million of which see **TOM GREEN**, p. 2

Who's Who in New, Visiting and Adjunct Professors at Michigan This Fall

Wondering who that new or visiting professor is that you have for class but have never heard of? Well, here are some biographical tidbits to satisfy your curiosity.

Professor **Ronald J. Mann** graduated from the University of Texas Law School and was a law clerk to Justice Lewis F. Powell of the Supreme Court of the United States. He was also an assistant to the Solicitor General of the United States, where his responsibilities included briefing and arguing cases involving commercial, bankruptcy, banking, and immigration issues. Before that, he spent four years as a commercial real estate lawyer in Houston. His recent publications include *Bankruptcy and Entitlements of the Government: Whose Money Is It Anyway?* 70 NYU L. Rev. 993 (1995); *Explaining the Pattern of Secured Credit*, 110 Harv. L. Rev. 625 (1996); *The First Shall Be Last: A Contextual Argument for Abandoning Temporal Rules of Lien Property*, 75 Texas L. Rev. 11 (1996); and

see **NEW FACULTY**, p. 7

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Symposium Speakers Announced

BY MIKE SACHS
RG NEWS & POLITICS EDITOR

U.S. District Court Judge Richard P. Matsch, who recently presided over the trial of Oklahoma City bomber Timothy McVeigh, has agreed to deliver the keynote address at next year's Jury Reform Symposium, sponsored by the University of Michigan *Journal of Law Reform*. The Symposium will take place over the weekend of March 20-21, 1998. Judge Matsch's name has achieved worldwide

fame in news circles, though his face has not. Unlike the Simpson trial, McVeigh's federal court proceedings were not televised.

Also tentatively agreeing to speak at the Symposium is Harvard Law Professor Randall Kennedy. Professor Kennedy will join a panel discussion on the topic of race-conscious jury selection schemes.



Tom Green

continued from p. 1

is spent on treating tobacco related illnesses. So we've viewed the alleged wrongdoing by the tobacco industry as a taxpayer issue as well as a public health issue.

Q: How extensive was tobacco regulation prior to this agreement (such as in terms of ingredient disclosure, etc.)?

TG: Ironically, what is the deadliest item on the market by far is the least regulated, federally. The product has been made exempt by Congress to the traditional Consumer Product Safety Commission standards; it's exempt from a more detailed disclosure of its ingredients to Health and Human Services.

One of the goals of the Attorneys General was to get the word out to consumers exactly what it was they were ingesting, which are the standards applied to other products like food that are taken internally. This ingredient disclosure was one of the key pieces of the national settle-

ment.

Q: How did the tobacco litigation evolve? Which states joined the fight first?

TG: Mississippi filed in 1994; Florida, Minnesota, West Virginia, and Massachusetts were the next four states. We brought the suit despite a lot of criticism that the cases were without merit. However, we felt we had very solid legal theories because the increasing disclosure of documents that became available to the states indicated that the companies engaged in a pattern of deception with the consumers, particularly about the addiction associated with the product as well as a conspiracy to suppress the development of alternative products.

In 1995, Massachusetts became the fifth state to file. It was a pretty lonely effort until March of 1996 when we entered into a settlement with Liggett, which is the smallest tobacco company. When Liggett settled and agreed not to oppose the FDA's efforts, it gave a lot of momen-

tum to the lawsuits. By March of 1997, 22 states had filed. By July of 1997, the remaining states filed.

Q: What do you feel is the most important provision of the settlement?

TG: The most important part of the settlement relates to the effort to cut dramatically the rates of smoking by children. Given the addictive nature of the product, if you can keep children from smoking, you can prevent a lot of people from eventually developing the habit. Approximately 82% of people become smokers before the age of 18, so protecting people under 18 from smoking was our main priority.

We were convinced that the advertising and lack of enforcement of age requirements were what were causing the problem. So in the settlement, there is a total outdoor advertising ban on all tobacco products; we've eliminated the use of human figures and cartoon characters which may appeal to children; there's a

see **TOM GREEN**, p. 10

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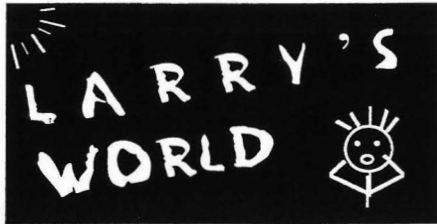
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*Our 1997 summer program included nine
Michigan Law students.*

*We encourage law students who may be interested in our Chicago office to
schedule interviews with us. If you are unable to secure an interview slot,
please leave your resume with one of our interviewers.*



BY LARRY SAGER,
RG CONTRIBUTING EDITOR

Ubi ignus est? First-year students, welcome to Ann Arbor! As the great Michigan alum, Julius Caesar remarked upon his first and only visit to Ann Arbor, "Friends, Romans, Countrymen, *tempestas efflat ex ano.*" I knew latin would be useful for law school. And similarly, you will experience the changing of the seasons: 12 days of fall, 3 days of spring, and 10 months of winter.

What I did on my summer vacation. Instead of family trips and summer camp, it's law firm stories. I prefer my ole' summer camp conquest anecdote, putting the fat kid in the infirmary after a head-to-head cereal eating contest. He downed seven boxes of Rice Krispies (the small ones), winding up in the camp infirmary. I finished off 15 boxes, then went out and played baseball. It was kind of a 'Cool Hand Luke' thing.

The Safe Sex Bandwagon. Everyone is on it, and yes, that was Ronald McDonald clerking at the Safe Sex Store on S. University. Whether this was some McDonalds promo deal, or whatever, it backfired, when a company executive for the Sex Store announced Ronald had been "summarily released," caught making "unauthorized personal use" of store inventory.

While driving out of beautiful Palo Alto, a radio ad was encouraging people to invest in Ramses condom vending machines. Pharoah Ramses II fathered over 160 children. So by naming their product after this guy, are

they saying "where is a condom vendor when you really need one?"

Sue 'em all. Barry Manilow wimped out, donating money to a Hearing Foundation, settling (how boring) with the judge who sued him for his music being too loud. A tort for being too loud? It should be a tort whenever he sings. A suit against Disney was rightly dismissed, where a grandmother (and former ratkateer) claimed her grandchildren were traumatized after seeing employees dressed as Disney characters pull their Mickey Mouse and Goofy heads off. Some people should not be allowed to leave their house.

Round up the usual suspects. Eeeeeeeeeeeeeeeeeee... coli..... McDonald's executives are riding high, unconcerned about their competitors shutting down after 25 million pounds of contaminated beef hit the market, since there is no actual beef in their "hamburgers." However, investigators revealed this latest development: footprints found leading away from the plant were identified as being made by "size 56 Bruno Magli clown shoes." Authorities are questioning several suspects. [How come they call a place where they slaughter animals, a

plant?]

And in **International slaughterhouse news:** Stockholm Sweden. Mr. Azninski had been drinking with friends when someone suggested they strip naked and play some "men's games." Initially they hit each other over the head with frozen carcasses. But then, one man seized a chain saw and cut off the end of his foot. Not to be outdone, Azninski grabbed the saw, yelling, "Watch this then!" He swung at his own head and chopped it off. "It's funny," said one companion, "Cos when he was young he put on his sister's underwear. But he died like a man."

Locals. Get yer Tiger Stadium fix, they're tearing it down in a year. Meanwhile, if you call Ticketscamtron, they will tell you all the "good" seats are sold out, but when you get to the park they are all empty. What's the deal? The stadium ushers are vending the box seats, and I suspect I overpaid. I brought my 86-year old aunt with me to the park and to my surprise, and we happened to walk by a thoughtful and considerate usher/Karl

see LARRY'S WORLD, p. 6

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A BRIEF GUIDE TO FOOD AND FUN IN ANN ARBOR

BY JOSH TURNER
RG CONTRIBUTING EDITOR

Another September has arrived at the University of Michigan Law School, and with it another crop of newly minted 1Ls. If history is any guide, most of these first-years are scared, bored, confused, stressed, and in desperate need of a drink. Don't worry: by the end of the semester, all feelings but the last two will have been burned away in the frenetic scramble to acquire a legal education. To get there, though, the 1Ls may need some help. We at the RG will let the professors and orientation counselors take care of the academic side of things (like you really want academic advice from the school paper, anyway), and confine our guidance to the more critical questions, such as: 1) What is there to do in this town?, and 2) Do they serve drinks there?

What To Do:

Studying will take up a lot of your time. It should not, however, take up all of it. If it does, then you will become a horribly uninteresting person and everyone will hate you. The RG recommends that in addition to studying, you also eat, drink, and have some fun. Here are the closest approximations of fun things to do and eat in Ann Arbor:

Q: I need someplace that will put a fried egg on a hamburger. Where can I go?

A: Blimpy Burger: Not to be confused with the national sub sandwich chain of (roughly) the same name, Blimpy Burger offers the quintessentially American eating experience. A rude staff grills up greasy burgers in a cafeteria style atmosphere, and will prepare delights like deep fat fried asparagus and egg-burgers to round out your repast. Plus, it's cheap. Great place to take a date. (Corner of Packard and Division).

Q: I am not hung over early on a Sunday, and need a place to eat. Suggestions?

A: Angelo's: Across campus, near the hospital, Angelo's serves a great Sunday brunch. The bread is supposed to be outstanding, although the author has never tried it, as he does not eat bread. You can also get breakfast whenever you want, but beware: the restaurant closes after lunch, so don't plan on supper at Angelo's. The lines on the weekends can be daunting, but the food is just as good throughout the week. (Glen and Catherine, north of campus).

Q: I am from New York, and can't stand midwestern McChinese "food product." Is there a place that caters to me?

A: Dinersty: The name is cheesy, but the foot isn't. Probably the best Chinese restaurant near Central Campus, and the closest thing to New York Chinese food available in Ann Arbor, according to informed sources. (Liberty St.)

Q: I would like to croon country hits to my new love while (s)he bowls a few frames. Is there anywhere I can go to meet this need?

A: Ypsi-Arbor Bowl: It's a bowling alley, yet so much more: it also offers a full service karaoke bar. The clientele is tres chic, except without the chic, or the tres, and the beer selection is limited to Bud and Bud Light. But for some rootin' tootin' good times, this is the place to be. (Washtenaw Ave., east of town. Car required.)

Q: I am thirsty.

A: Ashley's: This bar offers a huge variety of beer; a dark, sometimes smoky atmosphere; and good bar food. Plenty of tables make it a great place to meet friends after (or before) class, or as a mellow place to start a night on the town. On the weekends, the lines can get long, and the solitary foosball table in the basement doesn't provide much extraneous entertainment, so make sure that the people you go with are people that you want to talk to. (State, between William and North University.)

Q: I am thirsty, yet I also wish to brandish long sticks and throw sharp things.

A: The Full Moon: The beer list here is not quite as complete as the one at Ashley's, but is still commendable. Upstairs, there are hourly pool tables and some dart boards, so you have something to do. During the three weeks that Ann Arbor has before the cruel hand of winter locks us all down in its ice prison, there is also an upstairs deck available for star-gazing. (Main Street, between William and Liberty.)

Q: I want to hang out with undergrads in a sports bar type environment.

A: Scorekeepers: They have a few pool tables and dart boards, some tables, a whole mess of TVs, and a very small "dance floor." On the weekends, Scorekeepers is usually quite crowded, and there is almost always a cover charge. But it's a lot closer to the law Quad than the Full Moon, so it may be a better choice once the glaciers roll in.

Q: I would like some beer, but I don't have a lot of money.

A: Mitch's: Cheap pitchers on Saturdays make this a popular law student destination. There is a cover, sometimes, when there is a band, and the place can become far too crowded for this author's taste. But it's hard to argue with the prices. (South University and S. Forest.)

Q: I have dance fever, and I got to boogie.

A: Nectarine Ballroom: This is the only "nightclub" in Ann Arbor, and as clubs go, it's mediocre. Saturday night they play "retro" music, which ranges from the *Grease* soundtrack to Peter Schilling. It's good the first time, but the playlist doesn't change much from week to week. Fridays, the Nectarine offers "Gay

see PLACES TO GO, p. 12

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September 5, 1997

An Open Letter to Michigan 2Ls:

Welcome back to school. We wish you good luck negotiating the perennial 2L balance between class and interviewing. Soon enough, you will realize you don't have to study *quite* as hard this year as last. And, soon enough, you will also embark on an ambitious schedule of interviews. That's where we come in.

Robins, Kaplan, Miller & Ciresi L.L.P. is a 200+ lawyer firm based in Minneapolis with offices in Atlanta, Boston, Chicago, Los Angeles, San Francisco, Southern California, and Washington D.C. We practice most every kind of law you might want, and we practice it at the highest level. From individual women injured by IUDs to the largest corporations in the United States, we help people and businesses everywhere solve their most difficult problems. Recently we won a patent infringement verdict of more than \$100 million against General Electric (believed to be the highest jury award ever affirmed by the Federal Circuit), challenged in federal court the U.S. military's "don't ask, don't tell" policy (representing on a pro bono basis a gay officer discharged from the Air Force), and currently we represent the State of Minnesota and Blue Cross/Blue Shield in their lawsuit against the tobacco industry. Every big law firm in Minnesota is involved in the tobacco litigation, but only one is suing the tobacco industry. It's no coincidence that it's RKM&C. We are proud of our success, and proud of representing so many parts of the community.

We want to recruit outstanding new lawyers. That's why we come to Michigan. Through the luck of the draw, our interview date this fall isn't until October 13. We hope you sign up with us, but we would like to meet some of you before then, too. We have scheduled a reception for 6:30 p.m. on Thursday, September 11, 1997. We'll gather near the north State Street side door of Hutchins and go someplace like Zingerman's or Cottage Inn from there. Please join us.


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Larry's World

continued from p. 3

Mauldin-look-a-like, who asked if we would like to sit behind home plate. I said, "sure," I love sitting behind home plate. Of course, in towns with a baseball team AND a pitching staff, this is a rare thing. He takes us to one of three-hundred seats in the section, all vacant, does his exaggerated-wiping-the-seat routine for over a minute, I thanked him, and naive me, figures he'd be on his merry way. Instead, he sputters and spits, "Yeah, I was hoping you might thank me." "Oh," I said, and coughed up a five. We paid \$15 for seats already. Then, minutes later, a group of four guys came in and only give the guy a buck. Hey, wait a minute, I've been ripped off! In retrospect, I suggest the following: buy a \$4 bleacher seat and then upgrade with the usher.

The Ratings Game. The group of law students have been indicted on fraud charges, along with some prominent law school administrators, subject of an in-

vestigation into admissions policies and "attempts to inflate school ratings" at several high profile law schools. Wilma Slaghoopal, Betty Jean McBrickere, Don Fauntleroy, Jonas Grumby, and William Gilligan were among the names released by federal prosecutors.¹ The U.S. World News first became suspicious when Mr.

McDonald's executives are riding high, unconcerned about their competitors shutting down after 25 million pounds of contaminated beef hit the market, since there is no actual beef in their "hamburgers."

Fauntleroy's and Mr. Gilligan's 180 LSAT scores showed both students simultaneously attending Harvard, Yale, and Chicago Law Schools.

Other Notes. Any more of these lame top ten lists, and Russ Abrutyn's going to be kicking some ass... And on

Sunday, as the 49ers sink to an embarrassing new low, ABC keeps advertising this "The People's Princess" thing — just gag me with a pitchfork. What "the people" will have is a reminder that drinking and dying can equal dying regardless of your Mercedes, your millions, or whether the press is hounding you. Then, repeatedly, this new McDonald's commercial, chicken McNuggets with legs, running around and going swimming, basically, a chicken McNugget with a crotch. This is not what I want to see.

Have a psychiatrist? No thanks, already had one. In San Francisco, a man was attacked, his head bashed in with an axe, and his stomach slit open by his psychiatrist during a therapy session.

Next issue: Ronald McDonald visits the MIR space station.

¹ The students were also listed under various alias names: Flintstone, Rubble, "Duck," and "Skipper."



New Faculty

continued from p. 1

Searching for Negotiability in Payment and Credit Systems, 44 UCLA L. Rev. (April 1997). He comes to the Law School from Washington University School of Law and his current research focuses on the dynamics of secured lending.

Visiting Professors and Adjuncts who are teaching throughout the 1997-98 academic year:

John S. Beckerman is teaching Civil Procedure I and Securities Regulation in the Fall Term and Civil Procedure II in the Winter Term. Beckerman has a doctorate in history from the University of London and his law degree from Yale Law School. He has taught at Yale Law School, Rutgers-Camden and Benjamin Cardozo Law School and practiced in New York City as a litigator. His article, "Let the Money Do the Monitoring: How Institutional Investors Can Reduce Agency Costs in Securities Class Actions" (104 *Yale Law Journal* 2053 [1995], with Elliott J. Weiss), provided the basis for the "lead plaintiff" provisions in the Private Securities Litigation Reform Act of 1995.

Mitchell N. Berman, '93, practices with Jenner & Block in Washington, D.C. and clerked for Judge James D. Phillips of the U.S. Court of Appeals for the Fourth Circuit. Berman is teaching Criminal Law in the Fall Term and Introduction to Constitutional Law in the Winter Term.

Cyril Moscow, '57, is teaching Business Planning for Closely Held Corporations during the Fall Term and Business Planning for Publicly Held Corporations in the Winter Term. A partner with Honigman, Miller, Schwartz & Cohn in Detroit, he practices corporate and securities law. Chair of the State Bar subcommittee on the revision of the Business Corporation Act, he has been a frequent visitor to Michigan Law School and is the co-author of texts on Michigan corporate law and securities regulation.

Shozo Ota, a faculty member of the Graduate School of Law & Politics at the University of Tokyo, is teaching Japanese Law: Current Issues, with Visiting Pro-

fessor Noboru Kashiwagi in the Fall term and Introduction to Japanese Law in the Winter Term.

William F. Pedersen, Jr., a widely published author, former Associate General Counsel for the Environmental Protection Agency and currently a partner with Shaw, Pittman, Potts & Trowbridge, is teaching Environmental Law. Pedersen is a graduate of Harvard Law School and served as an associate with Sullivan & Cromwell in New York City and with Ropes & Gray in Boston. He clerked for Circuit Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit. He has taught at Harvard Law School, was counsel with Verner, Liipfert, Bernhard, McPherson & Hand in Washington, D.C., and counsel and then partner with Perkins Cole.

Visiting Professors for Fall Term:

Michael Aujean, Director of Indirect Taxation in Directorate General XXI, Customs and Indirect Taxation with the Commission of the European Union, is teaching a course on European Tax Law, Fiscal Federalism and Tax Competition. He has taught European Tax Law at the University of Tours in France since 1984.

Arnold Enker is Professor of Law at Bar Ilan University in Israel. The Founding Dean of the Faculty of Law at Bar Ilan University and former Senior Advisor to the Attorney General of Israel, he has taught courses in criminal law, evidence, professional responsibility and Jewish criminal law. A previous visitor, this term he is teaching Legal Profession and Legal Ethics.

Noboru Kashiwagi, a Professor at the International Center for Comparative Law & Politics at the University of Tokyo Law School, is teaching Japanese Law: Current Issues with Visiting Professor Shozo Ota.

Atsushi Kinami, LL.M. '84, a Professor at Kyoto University School of Law, is teaching Japanese Legal Systems.

Saul Levmore teaches commercial law, comparative law, contracts, corporate tax, corporations, public and the law, and torts at Virginia Law School, where he is Brokaw Professor of Corporate Law & Albert Clark Tate, Jr., Research Professor. At the University of Michigan Law School, he is teaching Torts and Enter-

prise Organization.

Gerard Meehan is Principal Administrator and Assistant to the Director General for Research of the European Parliament at Kirchberg, Luxembourg. He is a graduate of the University of Strathclyde and the University of Edinburgh in Scotland. At the Law School, he is lecturing for a variety of programs and classes.

Dana M. Muir, '90, Assistant Professor in the University of Michigan School of Business Administration, is teaching Employee Benefits. She is a staff editor of the *American Business Law Journal* and President of the Midwest Academy of Legal Studies in Business. At the Business School, she teaches legal environment, enterprise organization, and employment law.

Jerome H. Reichman is Professor of Law at Vanderbilt University Law School, where he teaches advanced intellectual property, contracts, copyrights, intellectual property in international trade, international law and unfair competition. He received his law degree from Yale Law School, where he was Comment Editor for the *Yale Law Journal*. He was a Fulbright Scholar to Madras University, India, taught at Ohio State University, was a visitor at the University of Florida Law School and has been a Fellow with the German Marshall Fund of the United States. He is teaching Copyright and Intellectual Property in International Transactions.

Julie Roin, Henry L. & Grace Doherty Charitable Foundation Professor of Law at the University of Virginia Law School, is teaching Tax I. She received her J.D. from Yale Law School, where she was a member of the *Yale Law Journal*. She clerked for Judge Patricia M. Wald of the U.S. Court of Appeals for the D.C. Circuit and has been an associate with Caplin & Drysdale in Washington, D.C. She has taught as a visiting professor at the University of Virginia, Yale, Harvard and the University of Chicago law schools. She teaches contracts, federal taxation, international taxation, property and international business and economics.

Jane F. Schacter, an Associate Professor of Law at the University of Wisconsin Law School, is teaching Civil Pro-

see **NEW FACULTY**, p. 13

The Res Gestae

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Abstain from

SEX

"Don't have the need . . . and don't do the deed."

— A third-year law student.

BY LARRY SAGER
RG CONTRIBUTING EDITOR

Some folks contend, the only way to deter sexual activity is to teach and encourage abstinence. Furthermore, others claim that teaching anything but abstinence — actually encourages sexual activity. Does that include contracts and property?

In the latest movement to teach and encourage sexual abstinence, various legislators have joined the drive to implement teaching "abstinence education." As an additional incentive, educators are encouraged to take advantage of a \$250 million set aside provision in the latest welfare overhaul. In order to receive part of this money, those must agree to teach that sex outside of marriage "is likely to have harmful psychological and physical effects."

However, many have criticized these sexual abstinence classes because the curriculums call for exaggerating the dangers of sex. One program suggested, that when condoms are used during sex "the genitals should be washed with Lysol." (But would a generic brand suffice?)

Another example of scare tactics: a student in one class asked, "what if I want to have sex before I get married? The instructor replied, "[y]ou'll just have to be prepared to die . . . and take with you your spouse and one or more of your children."

Despite the abuses, there are sound and valid reasons for schools and society to endorse the need for sexual abstinence. According to abstinence expert, Newt Gingrich, a policy of total abstinence would "not have led our country into the abyss of problems we have today." And his mother agrees. "Newty is right," she commented in an exclusive RG interview, "we must stop people from having so much sex." Mrs. Gingrich listed a num-

ber of social ills, transmittable disease, and "that Connie Chung bitch."

Of course, when you tell kids not to do something, often, it just doesn't work. Even opponents admit, "you just can't watch these kids every second of the day." The solution, according to one Michigan legislator, is to require students from ages 12- 17 to enroll into mid-west law schools, traditionally proven to substantially inhibit and reduce sexual activity. "Lawyers are a fact of life," argues one proponent of the plan, "no matter how many precautions we take."

To completely discourage sexual activity, some have suggested appointing young children as permanent, tenured law professors. "Kill it in the bud," commented a supporter. However, many find the proposal simply impractical, and even distasteful. One Ann Arbor mother declared, "parents don't want their kids doing that sort of thing, [teaching law]."

As a final note and reminder, consistent with the long standing RG tradition, the RG encourages students not to talk about sex, not to think about sex, and most importantly not to have sex. RG editors advocate a simple balancing test. What good may come from sex is certainly outweighed by the problems and ill effects of sexual contact: AIDS, children, and unexplained itching in the genital area. More specifically for law students, sex takes time away from other important activities: cite checking, dealing with the financial aid office, and attending "The World of Law."

[The RG is proud to congratulate itself, and announce that it will be expanding its future publications, expecting to receive hefty congressional funding as a model publication that has traditionally encouraged sexual abstinence.]



IN CASE YOU DON'T HAVE ENOUGH READING TO DO, THE RG PRESENTS: BOOK REVIEWS

BY MIKE SACHS
RG NEWS & POLITICS EDITOR

I was going to just plod along this issue and cobble together a couple of movie reviews, but I figured that hardly anybody would be interested in hearing yet ANOTHER perspective of "Face Off," "Contact," or "My Best Friend's Wedding." Yawn City!

So, an idea came along while I was sitting at my office a couple of weeks ago staring aimlessly at the wall: book reviews! Heck, I read, right? Why not recommend a couple of gems that people can pick up at the library or the bookstore? And why not diversify and appeal to different subcultures of the book world? So, here we go:

Political. "The Last Brother," by Joe McGinniss—the unauthorized/authorized biography of Massachusetts Senator Ted Kennedy.

While there's some controversy over whether everything in this book is completely accurate, it's a great read if you're looking for a fascinating story. While the news and entertainment worlds are fascinated with JFK and RFK, we hear very little about their younger brother Teddy unless it's very bad news. This book illuminates that picture.

McGinniss doesn't create a sympathetic portrait of Teddy (his nickname, not mine). But it's also not openly antagonistic. Instead, he straight-out discusses Teddy's misadventures during the 50s and 60s: how he was almost expelled from Virginia Law School for cheating, how he begged his father for permission to leave New England and take his family out west, his first wife's alcohol problems, his minor breakdown on the day JFK was killed, and, of course . . . Chappaquiddick. I finished the book feeling pity and sadness for this man who was never taught

right from wrong. He followed the examples of his bootlegging and womanizing father and his older brothers. Never respected by the media, never appreciated by his family, Teddy was thrown into a world into which he was not prepared by the death of his three older brothers. Teddy was never presidential material, and it was unfair for America to ever treat him that way.

Fiction. "The Prince of Tides," by

to fly to New York City to help his suicidal sister poet, Savannah. Wingo recites the story of his childhood to a psychiatrist helping Savannah, and through these stories, we learn of Tom's manipulative mother, abusive father, and very loving brother. We also gain a deeper appreciation for Southern society, its beauty and its flaws. (All right, it was seventy words!! Sue me!!)

Great imagery, terrific dialogue, and, surprisingly, lots of laughter.

Sports. If there's any college basketball fans out there who have not yet read John Feinstein's "A Season on the Brink," which covered the much-controversial Bobby Knight, do so immediately. If you have read the book and want to read more of Feinstein, then rent yourself a copy of "A Season Inside."

After "Brink," Feinstein has taken to fol-

lowing different sports for an entire year, such as pro baseball, professional tennis, the Army-Navy rivalry, and golf. But this was his first such effort, in which he followed the 1988 college basketball season which consummated in the Cinderella victory of Kansas, Larry Brown, and Danny Manning. Along the way, Feinstein introduces us to the personal side of Villanova's Rollie Massimino, North Carolina State's Jim Valvano, current Bull Steve Kerr, Ohio State's Gary Williams, and Duke's Billy Sims, and follows closely the programs at Purdue, Indiana, Tennessee, and North Carolina.

For anybody who wants a blast from the past and loves to hear about the roar of the crowd and the beauty of sports, this one's for you.

Never respected by the media, never appreciated by his family, Teddy [Kennedy] was thrown into a world into which he was not prepared by the death of his three older brothers. Teddy was never presidential material, and it was unfair for America to ever treat him that way.

Pat Conroy. When the 1991 Oscars were unveiled, I ran down the list of movies nominated for Best Picture. Bugsy. Silence of the Lambs. Beauty and the Beast. JFK. The Prince of Tides. All interested me except the last: it seemed . . . I don't know, like a story that had been told a dozen times, only this time it had Barbara Streisand. Big deal!

But, this summer, when I was handed the book on which the movie was based, my curiosity got the better of me. And I'm glad that it did. While not the most overwhelming story of all time, it certainly is one of the most tragic that I've read in recent years. Don't be fooled by the movie: in the book, the Barbara Streisand character is much more of a supporting role.

The plot in less than fifty words: Conroy tells the semi-autobiographical story of Tom Wingo, a middle-aged man recently separated from his wife, forced



Tom Green

continued from p. 2

significant set of restrictions on advertising and promotion at sporting events; at retail outlets, there is a ban on vending machines so that cigarettes can only be bought by a hand-to-hand sale, and we've allocated funding for the enforcement of age restrictions on sales so there's a significant penalty to stores that violate such restrictions.

Q: What are this settlement's chances in Congress, given that Congress has attacked the settlement as being too weak?

TG: The irony is that Congress has done nothing over the decades, and the state AG's have done something that Congress has never been able to do, or wanted to do. With very few exceptions, Congress has been part of the problem by protecting the tobacco lobby. Attorney General Harshbarger's view is that Congress should have passed the vast majority of these provisions decades ago.

What's likely to happen is that Congress will criticize this agreement as weak so they can make changes at the margins, and then pass a slightly stronger version of it and take full credit politically for it. This is fine with the state AG's, so long as they don't weaken its provisions.

Q: What were the implications both legally and politically of settling versus

going to trial? Many in the public might argue that the AG's weren't tough enough because they essentially 'plea bargained' with the tobacco companies.

TG: The AG's primary goal was to advance the public health agenda, especially the youth smoking issue. Even if the AG's were to win at trial, they couldn't have

The tobacco situation is distinguished by the extensive continuing wrongful conduct leading to death and disease While the Budweiser frogs may be pissing off some AG's, the tobacco industry is fairly unique in terms of how it has violated its consumers.

accomplished the restrictions on advertising and sales that they achieved through settlement. The rationale and motive to settlement wasn't related to our chance of winning the cases, but to accomplishing the public health goals.

The best thing politically would have been to go to trial, because no one would criticize the AG's for fighting the tobacco companies by going to trial. While that would've been the best thing to do politically, it couldn't achieve the public health benefits as quickly as through settlement. So in this case, what was best for the public health was not the best for the AG's politically.

Q: Is there a political slippery slope towards the prohibition of other dangerous products? Do you think there is a constitutional slippery slope towards the bar of other types of advertising?

TG: The tobacco situation is distinguished by the extensive continuing wrongful conduct leading to death and disease; by manipulation of nicotine levels, by suppression of development of safer products, etc. The tobacco industry is quite unique, and we don't intend to go against butter and cheese and other food products. While the Budweiser frogs may be pissing off some AG's, the tobacco industry is fairly unique in terms of how it has violated its consumers.

In terms of the first amendment part of the question, to have Congress impose a ban would clearly raise some first amendment issues. However, what we are doing is including a waiver in the settlement whereby the tobacco industry is waiving any first amendment challenges it might have towards the advertising ban. There's nothing un-American about that, and it's no different from a defendant in a criminal trial waiving his right to a jury trial. I see no threat to the first amendment here, since the tobacco industry has voluntarily waived its first amendment challenge.



FROST & JACOBS LLP

*Wishes the students at the University of Michigan
a successful recruiting season.*

We invite you to participate during on-campus interviews on September 17, 1997.

• Cincinnati • Columbus • Middletown • Lexington

I DIDN'T KNOW THE DIAG WAS BROKEN

BY PAUL LUONGO
RG CONTRIBUTING EDITOR

I have been given a column but it is only early September and I don't have all that much law school stuff to gripe about. Yet. I am, however, overjoyed they had all summer to work hard and renovate the cafe. Of course we're back at MLS, so in this context "renovate" seems to mean "vacuum." I would have been quite happy with the carpet the way it was, I could even put up with the chairs with no springs (or more often, one spring that goes where you don't want it), I just hope they FIX THE COFFEE.

I have no segue to the rest of this column so bear with me . . . I worked in California this summer and wanting to do that whole "California Thing" I just had to have my car out there. This, however, meant driving out. And back. Getting out there was more perfunctory than anything else. The highlight may have been staying in Junction City, Kansas, where Tim McVeigh rented his Ryder truck. Or the highlight may have been getting offered ostrich meat at a fancy restaurant in Silverthorne, Colorado. For some reason baby cow doesn't bother me but I have a problem with ostrich. I felt like asking what other zoo animals they offered as entrees. Instead, I gave the waitress a horrified look and ordered chicken.

The return trip was a much different

story.

Highlight 1: My friend and I were staying at the Pine Motor Lodge in East Glacier, Montana. We were already set up in Room Three when my friend remembered he forgot to ask for the AAA discount. We went back to the main office to ask Doris, whom we had made friends

This Park Ranger with marbles in his mouth gives this whole speech about leadership and the faces on [Mount Rushmore]. It was painful to listen to and only wildly inaccurate seven or eight times. I have to say the federal government's version of history is certainly interesting.

with while constantly changing our reservations from the road, if we could get the discount. After an initial request for the discount Doris replied, "I'm sorry, we're full tonight. Room Three isn't available." We tried to clarify that we were indeed already in Room Three but the only response we got was "We are the best hotel in town and we are all booked up tonight." We tried one more time and finally got something resembling an answer, "I've already told you that we are all booked up and besides we don't offer

the AAA discount until September 15." We didn't bother pointing out to Doris that there would probably already be eighty feet of snow on the ground by that time. Why am I bothering with this dreadful story? Because even though I was only in Montana I could already tell I was getting closer to university administration.

Finally, I'd like to tell you about Mount Rushmore. It's worth seeing. The Park Service is going to great pains to make the experience more American. They have built a giant parking garage, the world's largest gift shop (where you can get stuff from other National Parks) and a really big restaurant. They are also building massive archways and amphitheaters which have the effect of making the whole thing seem like a mall. We were there at night for this whole "lighting" ceremony and it goes like this: First, everyone crowds into this new marble amphitheater. Second, this Park Ranger with marbles in his mouth gives this whole speech about leadership and the faces on the mountain. It was painful to listen to and only wildly inaccurate seven or eight times. I have to say the federal government's version of history is certainly interesting. So, to continue, you endure this awful speech, then you have to watch a video about the mountain (Mr. Park ranger didn't even bother to call it a movie). Then, after the video, Mr. Ranger comes back out and asks everyone present to join him in singing the National Anthem. As we sang, the lights on the mountain slowly came on. I wondered what was next, "Laser Rushmore"? It was almost too much for me, but then I was saved.

The words "And the home of the brave" had just barely drifted out of our mouths when almost everyone present shouted, "PLAY BALL!"



Renovations to the Law Quad Cafe appear to include a new sign depicting the same old 5-item menu, new paint, and the return of the familiar "sit and spin" tables.

Places to Go

continued from p. 4

Night." (Liberty, west of Maynard.)

Q: I am already tired of Ann Arbor, and need something better to do. Plus, I have located a sap with a car who is willing to drive up to 45 minutes from the comfort of the dorm.

A: Royal Oak, Pontiac or Detroit: Contrary to popular belief, there are some fun night activities in Detroit. A good first step might be Greektown, which offers several bars within walking distance, plus some excellent Greek food. And the casino in Windsor, Canada is just a short tunnel trip away. Royal Oak is a suburb of Detroit, which lies about 20 minutes north of downtown, and has some decent watering holes. The crowd is mid-20s professionals, mainly, although there are some Gothic bars and whatnot. Really, though, Royal Oak doesn't offer much over Ann Arbor, except that people there don't all go to U of M. Pontiac is about 20 minutes north of Royal Oak, and about 45 minutes from Ann Arbor. Pontiac of-

fers two decent nightclubs: Industry and Clutch Cargoes. Both are roughly patterned after the Limelight in New York, and both are far, far better than the Nectarine. Pontiac also boasts the Velvet Lounge, which is super, ultra mellow: Sinatra plays in the background, while you sit on leather couches surrounded by oak panelling, sipping a mar-

tini and smoking a cigar. Highly recommended. For a mind-bending night, you might try all three—they all lie on Woodward Avenue, Detroit's world-famous main drag (and the first paved street in the country, for you trivia buffs.)

Q: I need to get back to nature. Where can I see some trees or something?

A: The Arboretum or canoeing on the Huron River: The Arb is basically a park

maintained by the University. It is a nice, fairly quiet place to relax and contemplate life, or to study, as long as you don't mind hauling all of your books across campus.

Pontiac also boasts the Velvet Lounge, which is super, ultra mellow: Sinatra plays in the background, while you sit on leather couches surrounded by oak paneling, sipping a martini and smoking a cigar. Highly recommended.

Canoeing on the Huron River is a nice weekend activity (until the river freezes), and may allow you to forget, for a couple of

hours, that you're in law school. (The Arb: Geddes past Observatory. River: Go north until you get wet.)

Well, there you go. This is by no means an exhaustive list. You can learn more by reading about Ann Arbor on the internet, or by talking to a 2L. But these choices should at least get you through the first week or so.



BROWN & WOOD LLP New York, New York

Is pleased to announce that Eric Adams, Jonathan Brennan, Julianne Linder and Kai Walter will join the Firm as associates in the Fall of 1997.

Additionally, David Camp, Myriam Jaidi, Michael Whippel and Kathryn Youel were members of our 1997 summer program.

The Firm will conduct interviews
at the Law School on
Thursday, September 25th
All interested students are invited to sign up.

The top ten Michigan Law Students' excuses for not making Law Review:

Number 10: I'm on the *Gender & Law Journal* instead.

Number 9: My dog ate my paper.

Number 8: Those summer starters are obnoxious.

Number 7: Doesn't pay enough.

Number 6: Constant harassment from that Ronald McDonald guy.

Number 5: Why, there's not even any pictures.

Number 4: Professor Soper ate my paper.

Number 3: Joined one of many fascinating student organizations.

Number 2: And hang out with those geeks?

And the number one Michigan Law Students' excuse for not making THE Review:

I'd rather write for the Res Gestae.

New Faculty

continued from p. 7

cedure I and a seminar on Sexual Orientation. She received her law degree from Harvard Law School, where she was Articles Editor for the *Harvard Women's Law Journal*. She clerked for Judge Raymond J. Pettine of the U.S. District Court for the District of Rhode Island, was an associate with Hill & Barlow in Boston and served as Assistant Attorney General for the Commonwealth of Massachusetts.

Bruno Simma, Professor of Law at the University of Munich, has been a frequent visitor to the Law School and was on the faculty from 1987-92. This year he is teaching International Law. He has served as counsel for Cameroon in a boundaries dispute with Nigeria before the International Court of Justice and is an expert for conflict-prevention activities of the U.N. Secretary General. Simma is a member of the Court of Arbitration in Sports of the International Olympic Committee and of the U.N. Committee on Economic, Social and Cultural Rights. Co-founder and co-editor of the *European Journal of International*

Law, he has served as vice-president of the Council of the German Society of International Law.

Visiting Adjunct Professors for Fall term:

Paula Ettelbrick, Director of Public Policy at the National Center for Lesbian Rights and former Legal Director of LAMBDA, is teaching Sexuality and the Law.

William R. Jentes, '56, a partner at Kirkland & Ellis in Chicago, is teaching Complex Litigation. He has been a frequent visitor at the Law School and a lecturer at the University of Chicago Law School and for the American, Federal, Texas, Illinois, and Chicago Bar Associations.

Curtis Mack, LL.M. '73, former Regional Director of the National Labor Relations Board, is a founding partner of Mack, Williams, Haygood & McLean in Atlanta, a firm that specializes in labor and employment relations cases. He is teaching Labor Law: Advanced Topics and Problems.

Jeffrey Miro, '67, Chairman at Miro, Weiner & Kramer in Bloomfield Hills, is teaching Real Estate Tax. He previously has lectured in taxation at Detroit College of Law and has been an Adjunct Professor of Law at Wayne State University and a frequent visitor at Michigan Law School.

Steven D. Pepe, '68, who has been a frequent visitor and an instructor for the Law School's Bridge Week program, is teaching Legal Profession and Legal Ethics. He is a U.S. Magistrate Judge in the U.S. District Court for the Eastern District of Michigan. Prior to this appointment, he directed Michigan's Clinical Law Program.

Stanley S. Schwartz, '55, a specialist in law and medicine and medical malpractice, is teaching Law and Medicine: Trial Advocacy. He is a shareholder in the firm of Sommers, Schwartz, Silver & Schwartz, P.C., in Southfield.

[Information compiled by Catherine Cureton]



The Seattle, Washington and Portland, Oregon offices of **Lane Powell Spears Lubersky LLP** are accepting applications for our summer associate programs in 1998.

Our representatives will be in Ann Arbor on Thursday, September 25, and will be conducting interviews "off-campus" at the Bell Tower Hotel, located at 300 South Thayer Street. In addition to demonstrated academic achievement, qualified candidates will be second year law students who are able to demonstrate a commitment to live and practice in the Pacific Northwest.

Interested applicants should submit a cover letter (indicating a preference of office location, if any) to Mr. Len Roden, Recruiting Coordinator, Lane Powell Spears Lubersky LLP, 1420 Fifth Avenue, Suite 4100, Seattle, WA 98101-2338. We will contact the interested students directly to schedule interviews.

BACK PAGE NEWS

BY LARRY SAGER
RG CONTRIBUTING EDITOR

No One Can Delay McTrouble Comin' Everyday

In unprecedented fashion, worldwide criticism of McDonald's Corporation has increased over this past summer. First, there was the \$5 million libel action by McDonald's against two British vegetarians Dave Morris (a single father on welfare), and Helen Steel (a part-time bartender). Morris and Steel had distributed a Happy Birthday McDonald's leaflet accusing Big Mac of promoting an unhealthy diet, exploiting workers, animals and the environment. The libel suit continued for three years, the longest lawsuit in English history. The defendants managed their own defense (they couldn't afford a lawyer), and put allegations on

the Internet. McDonald's spent \$16 million, and received a damage award of less than \$200,000, which it has no hopes of collecting.

Cleared of the charge of destroying rain forests and wrecking the planet, the court did find that McDonald's is sometimes cruel to animals and that its ads exploit children as the defendants claimed.

Then, McDonald's threatened Mary Blair, a Scot, with a lawsuit after she opened a sandwich shop in England called McMunchies. Blair's shop did not serve hamburgers or fries, but being Scottish, she decided to put Mc in front of Munchies, since there already was a "Munchies" store nearby. McDonald's claimed Blair's "McMunchies" shop was illegal, misleading, and might cause the public to think she is a part of McDonald's.

Scots have rallied to Blair's defense. "That red-haired, red-nosed burger peddler better change his name quick or face a lawsuit," threatened a retired Scottish

history teacher in Westhill, Scotland. "It's an affront," complained another Scotsman named Ronald McDonald, "I wish to register a complaint about my name being commandeered by a clown."

Lord Godfrey James Macdonald of Macdonald, the head of a Scottish clan embracing all spellings of McDonald throughout the world, asked members to protest McDonald's actions, and issued a call to arms. "They steal my name and my father's, and yet they quibble about a name like McMunchies."

Blair considered, but discarded, the idea of having Highland seers pronounce a curse on McDonald's. In Scottish folklore, a Highland seer was the seventh son of the seventh son of a clan member, with the ability to pronounce a curse and make it stick.

What other names does McDonald's claim as an infringement on their registered trademark? What other names has McDonald's already registered? McStoned, McToke . . . perhaps, McBong?



Steven Spielberg presents:
a Francis Ford Coppola production,
a Kenneth Branagh film

THE STUDIOS OF LEGAL LAD™ THE MOVIE

Music by Danny Elfman
Story by Jim Carlson & Matt Carlin
Screenplay by Matt Carlin (2-L)
Starring...

layout created on an Apple Macintosh © Carlin

Neil Patrick
Harris
as
Roderick
"Doogie" Hills



Ron Silver
as
Mike Heller



If you only see one movie this year...



Winona Ryder
as
Tita
"Eco-Chick"
Severska

Daniel Day Lewis
as
Jaime "I hate
law school"
Clarkson



This film is not yet rated


Rick Moranis
as
Dean Lehman,
the Lehman
family & Bill
Gates




Avery Brooks
as
Dean
Dennis Shields



Susan Ruttan
as
Becky
Eisenberg
CENSORED



Charles
Nelson Riley
as
Peter Westen



Sorry... just couldn't resist.

Mayim
"Blossom"
Bialik
as
"The Gunner"



Kenneth
Branagh
as
Bev Pooley



Comments? email: ghoia@umich.edu



Charlie the Tuna
as
Learned Fin the
Flying Fish
and...

Damon
Harvey
as
Damon
Harvey

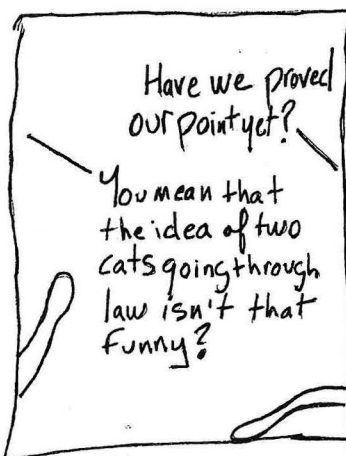
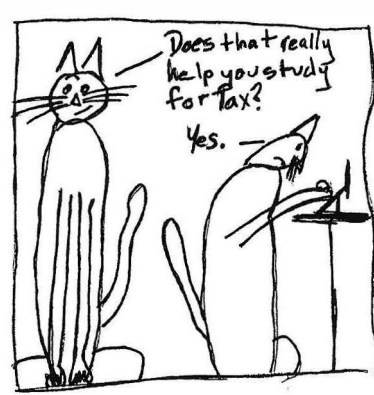
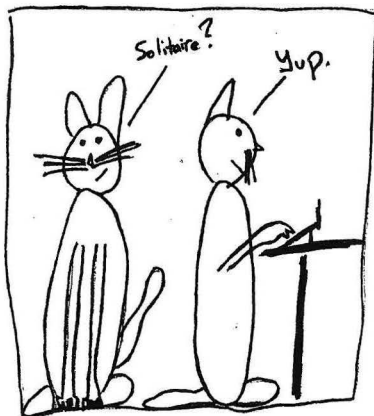


©1997 Matt Carlin

Wil Wheaton
as Matt & L.L.



No! Not Wil Wheaton!



The *Res Gestae* is looking for a few good writers.

For all 1L's who are unfamiliar with the publication that you are currently reading, the *Res Gestae* is the official . . . well, the official/unofficial newspaper of Michigan Law School. Written and cobbled together almost solely by students, but helped along by generous funds from the Law School's budget, the *Res Gestae* is a source for useful news about the Law School, the University, the Ann Arbor community, and the nation. We try to include news articles, commentaries, editorials, satires, fiction, entertainment, comic strips, and anything else which the Law School faculty and student body could find engaging.

This year, the *Res Gestae* is looking to really do some great things at Michigan Law School. Our goal is to have each law student find the *Res Gestae* an indispensable source for law school news and just plain good reading!

But, to accomplish that goal, we need good writers, editors, photographers, layout people, and fact-finders. We need different perspectives, different angles, different backgrounds. That's right: Democrats and Republicans, libertarians and socialists, blacks and whites, men and women . . . UNITE!!!

That's where you come in. We don't expect an incredible amount of work product from any of our staff. We only want what you can deliver. The *Res Gestae* is a terrific extracurricular opportunity for anybody at the law school: from those 3L's with offers in their pockets looking for a creative outlet to 1L's who aren't even sure what the heck they're doing in law school.

You may have already received information in your pendaflex concerning our first meeting of the school year. If you are even slightly interested in working for the *Res Gestae*, please attend. (There will be food!) If you can't make the meeting, please get in touch by pendaflex with anyone that you see listed on the masthead.

Remember, the *Res Gestae* can be a great document for truth, freedom and all that other crap . . . But we've got to have people helping out, or else it's just plain darn sucky.